

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, December 14, 2009

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Ashley Sklarew, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Corkage Fee** – Ms. Vahle stated that some restaurants in the Frederick County area have requested that the public be allowed to bring their own bottles of wine into the restaurant with a liquor license and pay a corkage fee and be able to consume their own bottle of wine. The organization called Marylanders for Better Beer and Wine Laws are trying to get this bill drafted in Annapolis. There are enforcement concerns with this practice. Ms. Vahle will be sending a letter to the Delegation.
2. **Classic Cigars and British Goodies** – This licensee has requested to extend his closing times on Thursday, Friday, Saturday and Sunday from 12 midnight until 1:30 AM for non alcoholic products. All alcohol sales must end at midnight. There will be a letter stating that he will be responsible if any alcohol goes out of the premises after 12 midnight. The Board approved this request.
3. **Information for an Application** – Ms. Vahle stated she had received a request for information for obtaining a liquor license. Mrs. Rees composed a letter in response but it came back as an undeliverable Frederick County address. The forwarding address stamped on the front is the Detention Center's address. Mrs. Thall asked her to file this letter until the person contacts her again.
4. **Frederick Sheetz** – This licensee will be coming before the Board for the violation of not having wine available. There is another issue of not notifying the Board of a change of address. Robert Franks has been filing his home address incorrectly since 2006.

This will be brought up at the hearing, but a further violation will be scheduled.

5. **Musket Ridge Golf Club** – This club was supposed to be foreclosed upon but apparently the PNC Bank has purchased it and created a new LLC. Mrs. Thall will review the Operating Agreement to see if it is sufficient until the transfer is finalized.
6. **Mirage** – Ms. Vahle stated that in 2007 this licensee requested an entertainment approval from the City which included belly dancing. The City police had some problems with the wide open windows and the traffic congestion. The Board agreed then that if they covered the windows only up to 4 feet it would be sufficient. Ms. Vahle contacted the city at that time and told them what the Board's decision was, but the Board did not receive any formal request for belly dancing. The licensee never followed through. Now they have submitted the request again and the City Zoning is asking for comments again. The Board agreed that the City Zoning will have to approve and then the Liquor Inspector will inspect the stage. The Board is not going to change their position on the window coverage.
7. **Hampton Inn** – Ms. Vahle stated she received a letter regarding the liquor posting. In order for the Hampton Inn franchise to carry the liquor against their policy, they are requesting that the Liquor Board give them a letter stating that they are in violation of the license and that the Board has conceded to allow the hotel to operate with its current liquor license if the hotel places the price list of liquors that are offered in the sweet shop. The Board would like to schedule a conference with the licensees and encourage them to change the type of license to a Country Inn License.
8. Decision Required: New License

RE: Jennifer P. Dougherty and
Bruce Rhoderick
for the use of
Magoo's of Frederick LLC
t/a **Magoo's Pub & Eatery**
1-A W. Second St.
Frederick, MD 21701

Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are:

Occupancy Permit, Fire Marshal approval, Health Department approval and the Liquor Inspector's report. The licensee stated that the preliminary inspections had taken place and the final inspections are scheduled for Wednesday. The Liquor Inspector stated there were 46 chairs upstairs and 4 chairs downstairs.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for January 18, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 3 Nay – 0

(Motion Passed)

9. Decision Required: New License

RE: Natalia M. Nastovici for the use
of Pretzel & Pizza Creations, Inc.
t/a **Pretzel & Pizza Creations, Inc**
210 N Market St.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine

The Board held a hearing for a new license. Ms. Vahle swore in the applicant (See attached Sign In Sheet). The pending item is the: Occupancy Permit. Licensee stated she would get a copy of the Occupancy Permit from the City of Frederick. Liquor Inspector stated that they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for January 18, 2010.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE:

Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

10. Decision Required: Violation Hearing

RE: Robert Franks Jr., Susan E.
Markey & Gary Zimmerman
for the use of Kwik Shopper, Inc
t/a **Sheetz**
5601 Buckeystown Pike
Frederick, Maryland 21704
Class B, On Sale, Beer & Light Wine
License Number 11BW 1167
FCLB Case Number: 3621

The Board held a violation hearing for Failing to have Wine for Sale. Mrs. Thall swore in the licensees (See attached Sign In Sheet). Jeremy Dykes, Attorney for the licensees pled not guilty with explanation to the charges. He explained that the stock of wine ran out and that is why they did not have the wine available. The Liquor Inspector stated that he made a routine inspection and did not see any wine for sale, also the Liquor Inspector asked the manager for invoices for wine, he showed him an invoice for May 4, 2009. Therefore no wine had been purchased since May 4, 2009. The Inspector testified he was there on 3 occasions and there was no wine.

The findings of fact were as follows: 1. Do the licensees have a Class B, Beer and Light Wine license that allows them to sell beer and light wine; the Board found that they do have that license. 2. When they were inspected on August 21, 2009 did the licensees have wine available for sale; the Board found they did not have wine for sale. 3. The question for interpretation for the Board is whether their failure of having the wine for sale violated Section 5.41 of the Board's regulations; the Board agreed they were in violation.

MOTION ONE: Mr. Cline made a motion for a finding of guilty on the charge and the fine for the charge would be \$300.

Mr. Snyder asked Mr. Cline if he would be willing to include a 10 day suspension, suspended as part of his motion. Mr. Cline felt that the fine was sufficient because it is possible that the establishment could run out of the product.

SECOND: Mr. Snyder seconded the original motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

11. Decision Required: New License

RE: Charles Dunn, John Cidre
and Sanela Friend for the
use of Libertytown BBQ
LLC
t/a **Libertytown BBQ LLC**
11339 Liberty Rd. Unit 5
Frederick, MD 21701
Class B, On Sale, Beer only

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Zoning approval, Occupancy Permit, Fire Marshal, Health Department, the Inspector's Report and Alcohol Awareness. The licensee stated that items are pending upon them getting their Certificate of Occupancy which will be issued when they pass all their inspections. The Liquor Inspector stated that this establishment is not ready yet and that the door was locked.

MOTION ONE: Mr. Snyder made a motion for a conditional approval for January 18, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE:

Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

12. Decision Required: Violation Hearing

RE: Robert Franks Jr., Susan E.
Markey & Gary Zimmerman
for the use of Kwik Shopper, Inc
t/a **Sheetz**
5601 Buckeystown Pike
Frederick, Maryland 21704
Class B, On Sale, Beer & Light Wine
License Number 11BW 1167
FCLB Case Number: 3621

When the Board sent out the violation for failure to have wine available for sale, the letter to Mr. Franks was returned unable to forward. He then submitted a notice that he moved in 2006. The Board indicated that another hearing would be scheduled unless they chose to waive notice of the charges of failing to notify the Board of a licensee's address change, and filing a false statement by a renewal for 2007, 2008 and 2009.

The licensees and counsel met to discuss this matter and came back on the record to indicate they were prepared to move forward with the charges and they waived the notice. Mrs. Thall swore in the licensees (See attached Sign In Sheet). Jeremy Dykes, Attorney for the licensees stated that Mr. Franks was unaware that his address was wrong on the application and there was no intent to defraud the Board.

MOTION ONE: Mr. Snyder made a motion for a finding of guilty for failing to give the Board a change of address for the years 2007, 2008, 2009 and a

fine for the charges would be \$250 for each year.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

13. **Barley and Hops** – Ms. Vahle stated she received a complaint regarding some of the employees drinking on the outside patio. The Liquor Inspector advised the owner Gary Brooks and three employees were fired.

ADJOURN

The meeting was adjourned at 10:02 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees